UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Kathleen Fraize)		
Plaintiff)		
)		
v.)	Civil Action No.:	
)		
School Administrative Unit 9 and)		
Conway School District)		
Defendants)		

NOTICE OF REMOVAL TO CLERK OF COURT

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441 (Removal of Civil Actions), 28 U.S.C. § 1331 (Federal Question), 28 U.S.C. § 1367 (Supplemental Jurisdiction), AND 28 U.S.C. § 1446 (Procedure for Removal)

NOW COME the Defendants, School Administrative Unit 9 and the Conway School District, by and through their attorneys, Maggiotto, Friedman, Feeney & Fraas, PLLC, and submits this Notice of Removal pursuant to 28 U.S.C. § 1441 (Removal of Civil Actions), 28 U.S.C. § 1331 (Federal Question), 28 U.S.C. § 1367 (Supplemental Jurisdiction), AND 28 U.S.C. § 1446 (Procedure for Removal), and in support thereof, states as follows:

- Plaintiff commenced a state court action titled *Kathleen Fraize v. School* Administrative Unit 9 and Conway School District in the Carroll County Superior
 Court, Docket No. 212-2019-CV-00002, through service upon the Defendant's
 counsel. A true and accurate copy of the Complaint is attached as Exhibit A.
- 2. This civil action is removable under 28 U.S.C. § 1441 because Plaintiff alleges violations of federal law against the Defendant, specifically, pursuant to 42 U.S.C. § 12112(a) in violation of the Americans with Disabilities Act for alleged

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discrimination and an alleged hostile work environment because of Plaintiff's alleged

disability.

3. The United States District Court for the District of New Hampshire has proper subject

matter jurisdiction over and is the proper venue for those claims.

4. Plaintiff also alleges a wrongful discharge, violations of N.H. RSA 354-A, and

violations of N.H. RSA 98-E, which all arise out of the same alleged facts as the

federal claims above and by which this Court has supplemental jurisdiction pursuant

to 28 U.S.C. § 1367.

5. The time for removal has not expired as the Defendant was served in this matter on

January 10, 2019.

6. A copy of this notice of removal has been sent to Plaintiff (Exhibit B) and to the

Carroll County Superior Court (Exhibit C).

7. A verified copy of the full record in from the Carroll County Superior Court will

follow once obtained by the undersigned counsel.

Respectfully submitted,

School Administrative Unit 9

and

Conway School District

By its Attorneys,

MAGGIOTTO, FRIEDMAN, FEENEY & FRAAS, PLLC

Dated: January 11, 2019 By: <u>/s/ Dona Feeney</u>

Dona Feeney, Esq. (N.H. Bar #12854)

58 Pleasant Street

Concord, NH 03301

(603) 232-5469 or 225-5152 <u>dfeeney@mffflaw.com</u>

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing of Notice of Removal and
Demand for Jury Trial has been e-mailed this 11 th day of January, 2019, to Leslie H. Johnson,
Esq.

<u>/s/ Dona Feeney</u>	
Dona Feeney, Esq.	